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of the State of California
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7 Legal Representatives for Complainant

8 **BEFORE THE**
RESPIRATORY CARE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 HESHAM EL-MOSALAMY
13 P.O. Box 1618
Martinez CA 94553

14 RCP License No. 12989

15 Respondent.

RCB Case No. R-2062

**STIPULATED SETTLEMENT FOR
PUBLIC REPRIMAND AND
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Stephanie Nunez (hereinafter "Complainant") is the Executive Officer of
21 the Respiratory Care Board of California and is represented in this matter by Edmund G. Brown
22 Jr., Attorney General of the State of California, Supervising Deputy Attorney General Jose R.
23 Guerrero, and by Catherine Santillan, Senior Legal Analyst.

24 2. Respondent Hesham El-Mosalamy (hereinafter "respondent") is
25 represented by attorney Edgardo Gonzalez at 1300 Clay Street, Suite 600 in Oakland, California
26 94612, telephone (888) 800-9200.

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1 CULPABILITY

2 9. Respondent agrees that, at an administrative hearing, complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
4 no. R-2062, a true and correct copy of which is attached hereto as Exhibit A, and that his
5 Respiratory Care Practitioner License is subject to discipline. Respondent further agrees to be
6 bound by the Board's imposition of discipline as set forth in the Order below.

7 CONTINGENCY

8 11. This Stipulation shall be subject to the approval of the Board. Respondent
9 understands and agrees that Board staff and counsel for complainant may communicate directly
10 with the Board regarding this Stipulation, without notice to or participation by respondent or his
11 representative. If the Board fails to adopt this Stipulation as its Disciplinary Order, the
12 Stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the
13 parties, and the Board shall not be disqualified from further action in this matter by virtue of its
14 consideration of this Stipulation.

15 12. In consideration of the foregoing admissions and stipulations, the parties
16 agree that the Board shall, without further notice or formal proceeding, issue and enter the
17 following Disciplinary Order:

18 DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that Hesham El-Mosalamy, Respiratory Care
20 Practitioner License No. 12989, is hereby publicly reprimanded by the Respiratory Care Board.
21 This Stipulated Settlement For Public Reprimand and Disciplinary Order shall constitute the
22 formal public reprimand; in addition, as part of this Stipulation, respondent agrees as follows:

- 23 A. No further violation of the law will occur; and
24 B. Respondent is hereby ordered to reimburse the Board the amount
25 of \$5,300.00 for its investigative and prosecution costs. The amount shall be paid in full within
26 eighteen (18) months of the effective date of this Disciplinary Order . The filing of bankruptcy
27 by the respondent shall not relieve the respondent of the responsibility to reimburse the Board for
28 its investigative and prosecution costs.

1 C. Failure to timely reimburse the Board for its investigative and
2 prosecution costs in the amount set forth above shall constitute unprofessional conduct pursuant
3 to Business and Professions Code section 3755 for purposes of further disciplinary proceedings.
4 In addition, the Board may withhold renewal of respondent's Respiratory Care Practitioner
5 License No. 12989.

6 ACCEPTANCE

7 I, Hesham El-Mosalamy, have carefully read the above Stipulated Settlement For
8 Public Reprimand and Disciplinary Order, and having the benefit of counsel, enter into it freely,
9 voluntarily, intelligently, and with full knowledge of its force and effect on my Respiratory Care
10 Practitioner License No. 12989. I fully understand that, after signing this stipulation, I may not
11 withdraw from it, that it shall be submitted to the Respiratory Care Board for its consideration,
12 and that the Board shall have a reasonable period of time to consider and act on this stipulation
13 after receiving it.

14 DATED: September 28, 2007

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16 Original signed by:
17 Hesham El-Mosalamy
18 Respondent

19 I have read and fully discussed with respondent Hesham El-Mosalamy, the terms
20 and conditions and other matters contained in the above Stipulated Settlement for Public
21 Reprimand and Disciplinary Order. I approve its form and content.

22 DATED: September 28, 2007

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24 Original signed by:
25 EDGARDO GONZALEZ, ESQ.
26 Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement For Public Reprimand and Disciplinary
Order is hereby respectfully submitted for consideration by the Respiratory Care Board,
Department of Consumer Affairs, State of California.

DATED: September 28, 2007.

EDMUND G. BROWN JR., Attorney General
of the State of California

Original signed by: _____
CATHERINE E. SANTILLAN
Senior Legal Analyst
Legal Representative for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RCB Case No. R-2062

HESHAM EL-MOSALAMY
P.O. Box 1618
Martinez CA 94553

RCP License No. 12989

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement For Public Reprimand and Disciplinary Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, State of California, as its Decision in the above entitled matter.

This Decision shall be effective on November 12, 2007.

It is so ORDERED November 2, 2007.

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA